

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – SEPT. 21, 2010

The regular meeting of the Newton City Council was held on Tuesday, September 21, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, and Robert C. Abernethy, Jr. Mayor Pro Tem Anne Stedman was absent from the meeting.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, Assistant City Clerk Gary Herman, City Department Heads, and members of the Management Team. City Clerk Beunice “Bootsie” Roberts was absent from the meeting.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Robert A. Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – COUNCIL MEMBER MARY BESS LAWING:

Council Member Mary Bess Lawing gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE SEPTEMBER 7, 2010 REGULAR CITY COUNCIL MEETING AND AUGUST 24, 2010 SPECIAL (“EMERGENCY”) MEETING:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve the minutes from the September 7, 2010 Regular City Council Meeting and the August 24, 2010 Special (“Emergency”) Meeting as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

A motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Tom Rowe, and unanimously adopted to approve the Consent Agenda Items as submitted.

A. Tax Releases - August 2010

The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2010	11	DAL Leather, Inc.	Situs Change	\$49.70
2010	12	Tinsley, Dale Sr.	Property should have been classified as Senior Exempt	\$287.86

2010	13	T-Mobile South, LLC	Schedule change after billing	\$1,094.25
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B. Sewer Adjustments – September 2010

The following sewer adjustments are recommended for approval. The adjustments are recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
20001560-005	Dennis Trivette	1007 Ridge Dr	Jul –Aug 2010	40.00
16000440-001	Hugh Little	238 W. B. Street	Aug 2010	44.64
35000320-002	Paul Drum	2034 N Drum Ave	Aug 2010	65.10

C. Consideration of Budget Ordinance to recognize Yount Property Gift

**(ORDINANCE #2010-21 IS HEREBY REFERENCED
AND ON FILE IN THE OFFICE OF THE CITY CLERK)**

D. Proclamation for 2010 “Constitution Day and Citizenship Day” and “Constitution Week”

ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wished to speak on a non-agenda item, and no one appeared to speak.

ITEM 6. NEW BUSINESS:

A. Resolution to recognize Yount Property Gift

Mayor Mullinax said the City was recently presented the deed for a downtown lot known as “Yount Park” by Mr. Robert L. Yount in memory of his grandfather, Mr. Hubert Macon (H.M.) Yount. Mayor Mullinax said the City is excited to receive this property and is grateful to the Yount family for the donation.

City Manager Todd Clark said the resolution was a means of expressing the City’s appreciation to the Yount family for their donation.

Mayor Mullinax instructed staff to present a framed executed copy of the resolution to the family.

Council Member Bill Lutz said he would also like to thank the Younts for their gift to the City, and noted that he has already heard requests for the City to provide picnic tables at Yount Park to allow outdoor dining in downtown Newton.

Council Member Mary Bess Lawing agreed with Council Member Lutz, and said the property is a true asset to the City.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve a resolution in recognition of the Yount property gift.

Resolution #22-2010

Resolution in Recognition of Yount Property Gift

WHEREAS, the City of Newton has been presented the deed for a downtown lot known as “Yount Park” by Mr. Robert L. Yount in memory of his grandfather, Mr. Hubert Macon (H.M.) Yount; and

WHEREAS, the property is located at the southwest corner of College Avenue and East “A” Street, and has been used by the City for a number of years as a park; and

WHEREAS, the lot has historical significance for both the Yount family and for the City of Newton as the site is the former location of Northwestern Bank for which Mr. H.M. Yount served as director; and

WHEREAS, Mr. H.M. Yount was a true entrepreneur as he was also the founder of Newton Glove, Inc.; and

WHEREAS, Mr. H.M. Yount’s father, Mr. E.H. Yount, started the old Farmers and Merchants Bank, which later became part of Northwestern Bank, on the site; and

WHEREAS, the Yount family is highly regarded and respected in the Newton community and beyond; and

WHEREAS, the City of Newton sincerely appreciates the substantial donation of the Yount Park lot;

THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Newton publicly express their appreciation and formally accept this property gift from Mr. Robert L. Yount.

Adopted this the 21st day of September 2010.

Mayor Robert A. Mullinax

Attest:

Gary L. Herman, Asst. City Clerk

B. Presentation on Stormwater Permit Renewal implications

City Manager Clark informed the Council that there are significant changes ahead in regard to Stormwater Permit renewal.

Assistant Planning Director Alex Fulbright said the City’s initial National Pollutant Discharge Elimination System Phase II Stormwater Permit was effective July 1,

2005 for a five-year period ending June 30, 2010. Mr. Fulbright said the City recently received a draft of the renewal permit from the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ) for review and comment. Mr. Fulbright also noted that the City submitted its draft stormwater plan to NCDENR on time, and received the draft permit from NCDENR two weeks after its July 1, 2010 due date. He said the effective date will be either December 2010 or January 2011 depending on NCDENR's final permit.

Mr. Fulbright said the draft permit is considerably longer than the prior permit because of language required by the United States Environmental Protection Agency (EPA). He said the original permit was flexible to meet the minimum requirements, whereas the draft permit would require detailed procedures to make it clear, consistent with applicable regulations, and enforceable.

Mr. Fulbright said the draft permit requires additional written procedures, more documentation, and financial records for every activity covered by the permit. He also said the written procedures would be extended to every department that performs any work within the street rights-of-way, maintains the city-owned property, or facilities owned or leased by the City. He said the draft permit requires the City to revise its stormwater management plan, while specifying how the City will implement the plan by supplying information about stormwater activities. He said the most impactful element of the draft permit will be the City's operation and maintenance plan for the stormwater system and street sweeping. Mr. Fulbright said that until the City has received the final permit, he cannot determine the cost associated with compliance.

Mr. Fulbright noted that two sections were added to the draft permit that address impaired surface waters, which would shift the burden of performing the work necessary to develop water quality recovery plans for impaired surface waters from the NC DWQ to the City, which will cause the City to incur costs for testing and stream monitoring. He estimated these tests would cost \$5,000 to \$10,000.

Mr. Fulbright said the total cost of the stormwater program for 2009-2010 was approximately \$300,000 to \$350,000, but he believes the additional regulations may double that amount, or if the City would be required to add infrastructure due to the new permit, that the total could be \$750,000 or even \$1 million.

Mayor Mullinax said the stormwater program only cost \$35,000 the first year, but the City never thought the cost would be \$300,000. Mr. Fulbright noted that the cost figure includes staff time. Mr. Fulbright also indicated that the State wants financial records and wants to know the funding source, such as an enterprise fund.

Mayor Mullinax said that he and City Manager Clark have discussed the stormwater issue, and much discussion will occur on the topic at the City Council's annual Planning Workshop in February 2011.

Mr. Fulbright said the additional duties and requirements are being passed on to the City with no additional funding. He said other cities in the area, including Hickory and Maiden, will be affected as well as they all drain into Clark Creek.

Mayor Mullinax asked if the City has had dialogue with other cities. Mr. Fulbright confirmed that Newton has participated in a regional stormwater working group being coordinated by the Western Piedmont Council of Governments. He said the City has also contacted the North Carolina League of Municipalities (NCLM) to get their thoughts on the stormwater requirements.

Mr. Fulbright said the Planning Department and Public Works & Utilities Department have reviewed the draft permit and have provided comments and feedback to DWQ on the matter. He emphasized that the City is working with the NCLM and other cities throughout the state to provide feedback to DWQ. He said that after DWQ receives the City's

comments, the draft permit will be subject to a 30-day public comment period before the final version is sent to the EPA for review and approval.

Mayor Mullinax said he would like to see a breakdown of stormwater fees and costs, as well as a funding history of the program.

ITEM 7. CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Reported that he and Council Member Wayne Dellinger attended a recent ElectriCities meeting, and told Council that a copy of the meeting agenda and accompanying information was provided to each of them.
- Reported that paving/resurfacing bids will begin soon in anticipation of the release of Powell Bill funds in October.
- Reported that the City will also be taking bids for paving the City of Newton Heritage Trail Greenway Phase 2. City crews have installed three culverts and two remain to be installed. City Manager Clark said he hopes the Greenway project will be completed by the end of October.
- Reported that the water line installation project on Mylinda Drive is complete. Public Works & Utilities Director Wilce Martin said that connections to the homes were ready to be made.
- Reported that the Public Works & Utilities Department performed some excavation near the site of the Hwy. 70 water line break, and located the water line at a shallower depth. Plans call for insertion of a 16" valve on the line so that water can be shut off if necessary.
- Reported that Catawba County is going through the revaluation process, and that the City hopes to have the numbers by the end of November.
- Reported that the City has been working on the Historic Newton Depot project, including grading the area near College Avenue as well as putting down a base aggregate material. City Manager Clark said the Depot Authority contracted with a company to set cross-ties and rails. The City also hauled rock to fill in around the rails. City Manager Clark expressed his appreciation to the City's Street Division for their hard work over the past couple of months.
- Reported that the area has been experiencing dry conditions, with the Jacob Fork River flowing at 22 to 28 million gallons per day (MGD) while the City withdraws an average of 4 MGD.

ITEM 8. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

None.

ITEM 9. CLOSED SESSION TO CONSULT WITH CITY ATTORNEY - G.S. 143-318.11 (A) (3):

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously approved that the Council enter Closed Session to consult with the City Attorney. No action was taken on the matter discussed.

ITEM 10. **ADJOURNMENT:**

There being no further business to discuss, a motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously approved that the September 21, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Gary L. Herman, Asst. City Clerk